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Feds seek control of county jails

L.A.'s plan to address mental health care issues was not enough to avert Department of Justice oversight.

BY CINDY CHANG

Federal officials have rejected a last-ditch effort by Los Angeles County to maintain control over its jails and will move forward with a consent decree to address longstanding problems with mental health care in the troubled facilities.

In a letter sent to the county last week, the Department of Justice said that despite some progress, it remained "concerned about the sustainability and future durability of the reforms."

The county jails have been monitored by federal officials for the last 12 years under an agreement requiring improvements in treatment of the mentally ill. On June 4, the Department of Justice announced it would seek court oversight of the jails, citing a dramatic increase in inmate suicides.

In the Sept. 25 letter, federal officials said they hoped to have a draft of a consent decree ready this week. The county's written response to the Justice Department's June 4 letter was not enough to avert federal oversight, given "the severity of the issues" and the failure of the 2002 agreement to suffi-

ciently improve jail conditions, they wrote.

A consent decree would be overseen by a federal judge and probably cost the county millions of dollars to implement.

"We are in active negotiations with the DOJ, but it is premature to discuss any specifics," Assistant Sheriff Terri McDonald, who oversees custody operations, said in a written statement. "We remain committed to working with DOJ and providing appropriate care to the inmate population."

Richard Weiss, acting county counsel, said he had

[See Jails, AA4]



ROBERT GAUTHIER Los Angeles Times

AN INMATE stands in his cell in an area reserved for the mentally ill at Twin Towers correctional facility. Longstanding problems with mental health care in the jails has prompted action to establish federal oversight.

L.A. unable to avert federal oversight of county jails

[Jails, from AA1]

received a draft of the consent decree and confirmed that county attorneys met with federal officials Thursday. He offered no details, saying only that "it was a very productive meeting."

The June 4 letter described "dimly lit, vermin-infested, noisy, unsanitary, cramped and crowded" living conditions that exacerbated inmates' mental distress. After suicides more than doubled, from four in 2012 to 10 the following year, jail officials did little to address the situation, the letter said, calling many of the suicides preventable.

In an interview Thursday, Supervisor Mark Ridley-Thomas accused the Sheriff's Department and the county mental health department of not taking the problems in the jails seriously. A federal consent decree would be a black mark

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— MIRIAM KRINSKY,

leader of the commission that reviewed violence in the jails

on the county, amounting to "dereliction of duty" and "absconding of responsibility," he said.

"The federal government is saying that they're throwing ... their hands up," Ridley-Thomas said. "In other words, they've given you every chance to improve up, and you've failed to do so."

According to Ridley-Thomas, he and the other county supervisors were not aware until last year of the 2002 agreement, which required that federal monitors periodically visit the jails

and submit written reports to the county. He blamed the county departments, including county attorneys, whom he said were dealing with federal officials without informing the board.

On Tuesday, the Board of Supervisors is scheduled to consider Ridley-Thomas' proposal to create a specialty jails unit within the county counsel's office. Attorneys who specialize in jail issues are needed as the county negotiates the terms of federal oversight and implements mental health re-

forms, the motion states.

Miriam Krinsky, a former federal prosecutor and head of a blue ribbon commission that reviewed violence in the jails, said federal officials should wait to decide whether the next sheriff would be capable of properly reforming the jails before taking the final steps toward obtaining a consent decree.

"The fact that the DOJ remains concerned is not a surprise given the longstanding challenges that have been a constant in the jail," Krinsky said.

Long Beach Police Chief Jim McDonnell and former Undersheriff Paul Tanaka will face each other in the Nov. 4 sheriff's election. The winner would take over for John Scott, who has served as interim sheriff since longtime Sheriff Lee Baca retired suddenly in January.

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Sun 10-5-14 LA Times

Supervisors to weigh county jail deal with ICE

critics assail the program, which targets inmates who may be in the country illegally.

KATE LINTHICUM

Los Angeles County supervisors are nearing a decision on whether to extend a controversial program with federal immigration author-

ities that targets potentially deportable immigrants who have been convicted of serious crimes.

The program, known as 287(g), places U.S. Immigration and Customs Enforcement agents in county jails and trains county employees to question inmates convicted of certain felonies to determine whether they may be in the country illegally. Inmates identified through the program are

often taken into ICE custody after they are released from jail.

Opponents of the program, which is scheduled to come before the Board of Supervisors on Tuesday, say it blurs the line between criminal and immigration law enforcement and opens up the county to legal liability.

They say the agreement between the Sheriff's Department and ICE erodes trust in law enforcement

among immigrant communities and results in racial profiling. Also, they argue, jail employees charged with investigating inmates' legal status often are not adequately versed in the complexities of immigration law, and sometimes misidentify inmates as deportable.

The idea of having jail employees "questioning and making determinations about whether someone may be deportable is very

alarming," said Jennie Pasquarella, an attorney with the American Civil Liberties Union of Southern California, which has asked the board to reject the contract. Pasquarella said lawmakers should delay the vote until a new sheriff is elected and sworn in.

Both candidates vying to replace interim Sheriff John Scott in the November election have voiced opposition

[See ICE, A32]

County to weigh jails, ICE deal

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[ICE, from A25]
to 287(g).

Supporters of the program, including Supervisor Gloria Molina, say it is a crucial public safety tool that targets only the most dangerous criminals.

"These are people who have been convicted of a felony," said Molina, who represents eastern L.A. County. "It could be rape, it could be attempted murder. If you're a convicted felon, you're not welcome in our community."

Tuesday's vote comes as state and local governments across the country have been rethinking their relationship with federal immigration officials. The number of law enforcement jurisdictions participating in 287(g) has decreased from 75 to 35 in recent years, ICE spokeswoman Lori Haley said.

Many immigrant advocacy groups have opposed not only 287(g), which concerns how inmates are flagged as possibly deportable, but also the manner in which ICE takes inmates into custody after they serve their time in local jails.

For years, ICE has maintained a practice of asking local law enforcement officials to hold potentially deportable inmates beyond the length of their jail terms, sometimes for days, so that ICE agents can pick them up.

E A new California law known as the Trust Act prohibits local law enforcement

officials from honoring such requests from immigration agents except when inmates have been charged with or convicted of a serious offense.

Following a federal court ruling in April that found an Oregon county liable for damages after it held an inmate beyond her release date, dozens of cities and counties across the country, including Los Angeles County, announced they would stop honoring ICE hold requests altogether.

Immigrant advocates hailed the announcement at the time, but now say L.A. County has not implemented the new policy and continues to hold some inmates past their release date.

Pasquarella said the ACLU has investigated numerous such cases. She cited a recent case in which a U.S. citizen inmate was held by the county after he had completed his sentence and was not released until his sister came to the jail and presented deputies with his birth certificate.

Sheriff's Cmdr. Jody Sharp, who heads the department's custody operations division, said she had not heard of that case — and insisted the county is no longer honoring ICE hold requests.

"We work within the law," she said.

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NEWS 5

INMATE MENTAL HEALTH

Federal officials seek oversight of L.A. County jails

By The Associated Press

LOS ANGELES » Federal officials announced they will move forward with a federal consent decree to address mental health care problems in Los Angeles County's jails following a rash of suicides.

In a letter sent to the county last week, the Department of Justice rejected a last-ditch effort by local officials to maintain control over the jail facilities, the Los Angeles Times reported Friday.

The DOJ said that despite some progress, it remained "concerned about the sustainability and future durability" of recent reforms.

The county jails have been monitored by federal officials for the last 12 years under an agreement requiring improvements in treatment of the mentally ill. On June 4, the Department of Justice announced in a letter that it would seek court oversight of the jails, citing a dramatic increase in inmate suicides.

That letter described

"dimly lit, vermin-infested, noisy, unsanitary, cramped and crowded" living conditions that exacerbated inmates' mental distress. After suicides more than doubled, from four in 2012 to 10 the following year, jail officials did little to address the situation, the letter said, calling many of the suicides preventable.

A consent decree would be overseen by a federal judge and probably cost the county millions of dollars to implement, according to the Times.

Assistant Sheriff Terri McDonald, who oversees custody operations, said in a written statement that her department is in discussions with the DOJ, "but it is premature to discuss any specifics."

Richard Weiss, acting county counsel, told the newspaper he had received a draft of the consent decree and confirmed that county attorneys met with federal officials Thursday. He offered no details, saying only that "it was a very productive meeting."

BOARD OF SUPERVISORS

WED 10-8-14 Daily Breeze County retains inmate immigration screenings

Controversial agreement will run through 2016; Molina incurs the wrath of opponents

By David Montero

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Los Angeles County will continue a program that allows federally trained sheriff's deputies to screen jailed inmates for their immigration status after the Board of Supervisors on Tuesday voted to approve the controversial agreement.

The 3-0 vote, with Supervisors Mark Ridley-Thomas and Zev Yaroslavsky abstaining, came after several dozen protesters waited for hours to oppose the 287(g) program that they blasted as a form of racial profiling and separating families unnecessarily by pushing

undocumented immigrants into deportation proceedings. Board Chairman Don Knabe and Supervisor Michael Antonovich joined Gloria Molina in approving the agreement, which will run through 2016.

"Molina deports! Molina deports!" Protesters chanted angrily as they filed out of the boardroom, fists in the air, after the board wrangled with the decision for hours. Before the board took up the vote, opponents to the contract stood silently in the meeting with their backs to the Board of Supervisors.

Molina was viewed as the swing vote on the agreement and her siding with Antonov-

ich and Knabe didn't sit well with critics.

Apolonio Morales, political director for Coalition for Humane Immigrant Rights of Los Angeles, said Molina's vote was a disappointment.

"I thought she would look at the facts and see how damaging it is," Morales said. "It seems the burden of proof on the damage the program is doing always falls on the community and she has never pushed for that level of transparency."

Molina defended her vote, saying the old agreement had flaws in it and that the Sheriff's Department had violated some of its own protocols when screening inmates. She said the new agreement, coupled with a relatively new state law that doesn't allow immigrants charged with major crimes to be held lon-

ger than two days before being handed over to federal agents, is an improved one.

"I think there are very few people who would object to how it functions and how it is operating," Molina said. "We have tried to be a watchdog on a regular basis as to how it is operating because we don't want deportations to happen to people who are here undocumented," Molina said.

A key difference in the new memorandum of understanding, Molina said, was new language that didn't require Immigration and Customs Enforcement to be proactively notified every time an inmate was to be released.

Molina said the chants directed at her during the meeting were "hurtful."

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PHOTO BY DAVID MONTERO

About 50 protesters turn their backs on the Los Angeles County Board of Supervisors on Tuesday in opposition to a program that allows federally trained sheriff's deputies to screen jail inmates for their immigration status.

Inmates

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The agreement was set to be considered last week — the contract expired Sept. 29 — but the board postponed making a decision until Tuesday.

Several immigrants rights groups and the American Civil Liberties Union of Southern California urged the board to refrain from voting on the contract until a new sheriff is elected. Los Angeles County will choose a new sheriff on Nov. 4.

Yaroslavsky said he wanted to see more accountability from the sheriff in the program and complained past status reports were thin and infrequent. He said the Sheriff's Department should issue quarterly reports on the number of inmates that the 287(g) program siphons into deportation proceedings and which ones simply get released.

With the approval, Los Angeles County joins Orange County as the only two entities in California to remain in the agreement with U.S. Immigration and Customs Enforcement. Nationally, 35 law enforcement agencies across 18 states are in 287(g) — named for the section of code in the 1996 federal immigration reform act.

There are nine sheriff's custody assistants that work within the framework of the 287(g) program — five of which are trained by ICE to interview jailed inmates suspected of be-

ing in the country illegally. An additional four are assigned to clerical work and vetting information about the suspects.

Nicole Nishida, spokeswoman for the Los Angeles County Sheriff's Department, said it is in compliance with all federal and state laws concerning inmate releases after sentences have been served.

But opponents who came before the Board of Supervisors argued people were being picked up for misdemeanors and then were being turned over to ICE.

Blanca Perez told the board through a translator that she was picked up for selling candy without a license and when she couldn't produce identification, was thrown in jail in Van Nuys. She was then turned over to ICE and was transferred to two other jails in Lynwood and Santa Ana.

"I didn't have a criminal record before this," Perez said. "I am not a criminal. I'm just trying to make a living."

Molina, who spoke to Perez in Spanish directly, said she planned to follow up on her case.

Lori Haley, ICE spokeswoman, said participation in the 287(g) program remained an important tool to bolster enforcement against criminals in the country illegally.

"The program supports public safety by identifying potentially dangerous criminals and ensuring they are removed from the U.S., rather than being released back into the community," Haley said.